

Van Waters & Rogers Inc.
subsidiary of **Univar**

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OFFICE OF WASTE
& CHEM. MGMT.

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Ms. Rebecca Paul
Environmental Specialist
Northwest Region
Oregon Department of Environmental Quality
2020 SW Fourth Avenue, Suite 400
Portland, Or. 97201-4987

RE: Multnomah County
Van Waters & Rogers Inc.
ORD 009227398
NWR-HW-096-091
NOTICE OF NONCOMPLIANCE

Dear Ms. Paul:

This responds to your December 5, 1996 letter regarding Van Waters & Rogers Inc.'s (VW&R) November 13, 1996 response to the Oregon Department of Environmental Quality's (DEQ) October 30, 1996 Notice of Noncompliance concerning VW&R's Portland facility. We understand from your letter that, based upon discussions with representatives of the Environmental Protection Agency (EPA), DEQ does not believe that the hazardous waste determinations made by VW&R were adequate with respect to the on site treatment and off-site disposal of material generated during VW&R's facility investigation and remediation activities being conducted under an EPA RCRA corrective action order.

We have reviewed the additional alleged violations which you believe have occurred as a result of the material testing, treatment, and disposal activities conducted by VW&R at the Portland facility over the last two years. Obviously, there has been a lack of communications on our part both with EPA as well as DEQ, and that as a result, VW&R may have undertaken certain investigations and clean up activities without explicit EPA approval. However, VW&R has endeavored to comply with all applicable hazardous waste laws and regulations during implementation of the RCRA corrective action investigation and clean up of our Portland facility. As you are aware, VW&R has made significant progress with this investigation and remediation, and we believe any unintentional violations of applicable regulations, such as those involving waste analysis determinations or submission of notice or plans of certain activities, did not involve any harm to the environment, should be judged accordingly.

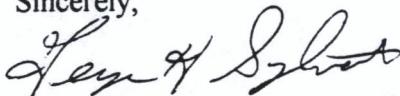


Rather than further disputing the nature and extent of the alleged violations contained in DEQ's October 30 and December 5 notice of noncompliance letters, VW&R desires to work cooperatively with DEQ to promptly resolve them. Accordingly, as required in your December 5 letter, VW&R agrees to submit a waste analysis plan to DEQ thirty days prior to treating any wastes to meet the applicable RCRA Land Disposal Restriction standards. In addition, VW&R will submit an updated annual report to DEQ to address the shipment of any hazardous waste shipped as nonhazardous waste or treated hazardous waste by January 9, 1996 (thirty days after we received your letter).

We would also like to schedule a meeting with you at your earliest convenience to address DEQ's alleged violations and to establish a protocol for VW&R's ongoing RCRA corrective action investigation and remediation activities. VW&R is further undertaking steps to improve communications regarding our corrective action waste handling procedures at the facility since DEQ's initial October 18, 1996 inspection. As an example, we have developed the attached log to accurately track and handle all material generated by VW&R at the facility through its ultimate disposal or treatment.

Thank you for your assistance in this matter. Please do not hesitate to contact me if you have any questions. I will also be contacting you to arrange a date for a meeting with you and other DEQ representatives to discuss this matter. I look forward to meeting with you.

Sincerely,



George H. Sylvester
Senior Project Manager
Environmental Affairs

Encl.

cc: Jim Velendre, WMC
Kevin Shanilek, EPA